

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte JOANN RUVOLO, STEFAN B. EDLUND,
and DANIEL A. FORD

Application No. 09/500,439

ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was electronically received at the Board of Patent Appeals and Interferences on June 15, 2005. A review of the application has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the examiner. The matters requiring attention prior to docketing are identified below.

On March 28, 2005, appellants filed a reply brief. A review of the document in IFW reveals that the reply brief is incomplete. On page 1 of the reply brief, the paper indicated that 9 pages were included, but only the first page to the reply brief has been scanned. Before further review, the

MAILED

SEP 19 2005

PAT. & T.M. OFFICE
BOARD OF PATENT APPEALS
AND INTERFERENCES

Application No. 09/500,439

examiner must have the complete reply brief scanned into IFW.

Appropriate correction is required.

In addition, there is no indication on the record whether or not the examiner has responded to the reply brief. Section § 1208.03 of the Manual of Patent Examining Procedure (8th ed., Aug. 2001) states:

[A]ppellant may file a reply brief as a matter of right within 2 months from the mailing date of the examiner's answer. . . . The primary must then either: (A) acknowledge receipt and entry of the reply brief by using form paragraph 12.47 on form PTOL-90; or (B) reopen prosecution to respond to the reply brief. See MPEP § 1208.02 [emphasis added].

Accordingly, it is

ORDERED that this application be returned to the examiner for: 1) entry of the complete document to the Reply Brief filed March 28, 2005; 2) proper response to the reply brief filed March 28, 2005; and 3) such further action as may be appropriate.

Application No. 09/500,439

It is important that the Board of Patent Appeals and Interferences be informed promptly of any action affecting the status of this appeal (i.e., abandonment, issue, reopening prosecution).

BOARD OF PATENT APPEALS
AND INTERFERENCES

By: Frances C. Han
Frances C. Han
Program and Resource Administrator
(571)272-9797

cc: Lacasse & Associates, LLC
1725 Duke Street
Suite 650
Alexandria, VA 22314

FCH/tdl